IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5707 of 2007()

CRLMP.4793/2007 of J.M.F.C.-I,PATHANAMTHITTA

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: PETITIONER/2ND ACCUSED:

BINU VARGHESE, AGED 26,
S/O. N.M. VARGHESE, PALACKAPARAMBIL HOUSE,
MANNARAKULANJI, MEKEZHOOR, PATHANAMTHITTA.

BY ADV. SRI.N.N.SASI

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY S.I. OF POLICE, PATHANAMTHITTA THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5707 of 2007

Dated this the 24th day of September 2007

O R D E R

Application for regular bail. The petitioner is the second accused. He is the son of the first accused. The deceased is the mother of the petitioner herein and the wife of the first accused. Crime has been registered inter alia under Sections 302 and 202 I.P.C. As against the petitioner, the allegation is only under Section 202 I.P.C. There is no allegation raised under Section 302 I.P.C against the petitioner herein, asserts the learned Public Prosecutor.

2. The crux of the allegations is that in the course of a quarrel between the husband and the wife, the husband (first accused) stabbed the deceased/wife with a dangerous weapon. The petitioner herein attempted to suppress information about such incident and the real cause of the death of his mother. He allegedly removed blood stains at the scene of the crime. The petitioner was arrested on 2/9/2007. He continues in custody from that date.

4. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that regular bail can be granted to the petitioner/son of the deceased and the first accused against whom allegations are raised only under Sections 201 and 202 I.P.C, subject to appropriate conditions.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months and thereafter as and when directed by the investigating officer in writing to do so.

Iii) The petitioner shall not enter the Sessions division of Pathanamthitta for a period of two months except for the purpose of complying with condition No.ii) above.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007